

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**DILENIA PAGUADA AND TECOVAS, INC.'S JOINT MOTION TO STAY**

Plaintiff Dilenia Paguada and Defendant Tecovas, Inc. respectfully move this Court for an administrative order staying this action (No. 20 Civ. 07946) pending the Plaintiff and Defendant's ongoing settlement negotiations.

Currently, this Court has pending before it Plaintiff's Complaint, and Defendant's Answer is currently due on November 10, 2020. Plaintiff and Defendant seek to stay this action without prejudice, pending the finalization of a settlement agreement between the Plaintiff and the Defendant. Plaintiff and Defendant are currently discussing the terms of a potential settlement agreement, and both hope to resolve this action without further intervention by this Court.

“The power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its own docket with economy of time and effort for itself, for counsel, and for litigants.” *LaSala v. Needham & Co., Inc.*, 399 F. Supp. 2d 421, 427 (S.D.N.Y. 2005) (quoting *Landis v. N. Am. Co.*, 299 U.S. 248, 254, 57 S. Ct. 163 (1936)). A stay is appropriate here to conserve the parties’ and Court’s time and resources, given the desire by both Plaintiff and Defendant to resolve this action without further court proceedings. *See, e.g.*, 13B Charles A.

Wright, et al., *Federal Practice & Procedure* § 3533.2 (2020) (“[A] court may stay proceedings if the parties are working toward settlement, or if the parties have agreed but the settlement requires approval by someone else”).

For the foregoing reasons, Plaintiff and Defendant respectfully request that this Court enter a stay of proceedings in the present action pending the finalization of a settlement agreement.

VINSON & ELKINS LLP

By: s/Hilary Preston  
Hilary Preston

hpreston@velaw.com

1114 Avenue of the Americas, 32<sup>nd</sup> Floor  
New York, New York 10036  
(212) 237-0129  
(917) 849-5342 (fax)

*Attorney for Defendant Tecovas, Inc.*

MARS KHAIMOV LAW, PLLC

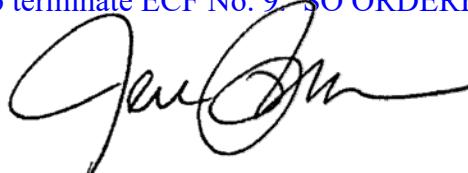
By: s/Mars Khaimov  
Mars Khaimov

marskhaimovlaw@gmail.com

10826 64th Avenue, Second Floor  
Forest Hills, New York 11375  
(929) 324-0717

*Attorney for Plaintiff Dilenia Paguada*

Application DENIED. As a courtesy, the Court will grant Defendant a two-week extension of its deadline to respond to the Complaint, which will now be due November 24, 2020. (If, during that two weeks, the parties reach a settlement in principle, they should promptly advise the Court, which will enter a "60-day order" dismissing the case without prejudice to reopening it if the settlement is not consummated.) The Court (again) directs the parties to Paragraph 1(E) of the Court's Individual Rules which states that absent emergency any request for extension or adjournment must be made 48 hours in advance. This is the second time in as many weeks that an untimely request is being made. *See* ECF No. 7. Future late requests will be denied solely on that basis. The Clerk of Court is directed to terminate ECF No. 9. SO ORDERED.



November 10, 2020

**CERTIFICATE OF SERVICE**

I hereby certify that on this 10th day of November, 2020, I, Hilary Preston, caused true and correct copies of the foregoing Dilenia Paguada and Tecovas, Inc's Joint Motion to Stay to be served by the Court's CM/ECF system and email upon all parties.

\_\_\_\_\_  
/s/ Hilary Preston  
Hilary Preston